



Salisbury Conservation Commission  
March 18, 2015  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.

**COMMISSIONER MEMBERS PRESENT:** Chairman Sheila Albertelli (SA), Matt Carignan (MC), Joanne Perreault (JP) and Jane Purinton (JKP), David Arel (DA), Jennifer Troisi (JT)

**COMMISSIONER MEMBERS ABSENT:** Andria Nemoda

**ALSO PRESENT:** Michelle Rowden, Conservation Agent, Lori Robertson, Secretary

S. Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**MINUTES:**  
**February 4, 2015**

**JP** motions to accept the minutes of the February 4, 2015 meeting. **DA** seconded the motion. Vote on motion 4 - 0 - 1 (abstained JT). **Motion Passed.**

**February 18, 2015**

**JKP** motions to accept the minutes of the February 18, 2015 meeting. **JP** seconded the motion. Vote on motion 4-0-1(abstained JT)

**PUBLIC HEARINGS at 7:15 pm:**

**NOI: Town of Salisbury, Off Bridge Road:** Lisa Pearson (LP), Planning Director addressed the board. This land was donated as part of the Friedenfels subdivision. We are proposing a trail that is natural. We won't be putting any pavement. We are proposing to build 2 bridges over wetland areas. It will be an extension of the rail trail. **DA** asked if there was a litter problem. **LP** stated no. We have a great group of volunteers. **SA** asked about horseback riding? **LP** stated yes, they are allowed. **JKP** asked about signs? **LP** stated yes we have trail rules.

No abutters present. **MR** stated an abutter came into the office about a concern of people wandering off the trail and off to her property. **MC** asked what the bridges would be constructed with. **LP** stated they will be built on helix piers. **MC** asked if trees would be cut. **LP** stated no.

**JP** motioned to accept the NOI for the Town of Salisbury, Off Bridge Road. **JT** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: Flaminio Lanzillo, 188 Lafayette Road:** Matt Steinnel (MS) of Millennium Engineering addressed the board. (This property was formally boots and saddles). The previous owner dug the trench. **SA** stated MR spoke with the Health Agent Jack Morris about any filings for repair work. He did not have any such filings. **MR** stated it is up to the commission of what you would like done since the new owners were not responsible. Discussion took place of inspections to make sure there was no damage done to the wetlands when the new trench went in. **MS** stated the applicant is willing to cap off the tank and pump it when needed. **MC** asked if a Title V was done. **MS** stated it was a short sale and the applicant paid cash. It was not required. **MC** asked if the septic has been inspected. **MS** stated it

hasn't been used in so long that if there was a problem you wouldn't know it. **MS** stated we could go out bi-annually and walk around the leach field. We would then submit a report. **MR** stated my recommendation would be the same. It must be done by a professional. A report must be filed with the Conservation Commission and Board of Health. **DA** stated I would like to clarify a timeline of events. The property is owned by the applicant? **MS** stated yes, he has a partner. **DA** asked so he is ready to open for business. **MS** stated he needs the Commission's approval and final approval from the Board of Health. **DA** asked when the opening date would be. **MS** stated we wanted open on Valentine's Day. **DA** stated using this septic system with no Title V inspection. **MS** stated correct. He stated once the snow melts he can go to the property to take pictures and 3 months after they opened start the inspections.

No abutters present.

**MC** motions to approve the NOI for 188 Lafayette Road with a condition of bi-annual inspections of the septic system until a new one is installed or sewer system is installed. **JKP** seconded the motion. Vote on motion 4 – 0 (2 abstained – DA & JT). **Motion Passed.**

**NOI: Jay Davis, 12 Wyman Greely Street:** **SA** stated this hearing is closed at this time. The agent has drafted to decisions, for an approval and denial. **MC** asked what the distance between the ground and the bottom of the structure. Matt Steinnel (MS) of Millennium Engineering addressed the board on behalf of the applicant. **MR** stated 13.8'. **MS** stated 7- 7 ½ above grade. **MC** stated its 4' below flood elevation. **MS** stated on average 3 ½' to 4'.

**JP** motioned to deny the NOI for Jay Davis, 12 Wyman Greely Street. 1. The Salisbury Conservation Commission (Commission) finds that the following resource areas are subject to regulation under the Massachusetts Wetlands Protection Act (WPA) on the subject parcel: Coastal Dune, Land Subject to Coastal Storm Flowage, and Bordering Vegetated Wetland.

2. The Commission finds that the Coastal Dune is determined to be significant to the protection of storm damage prevention, flood control, and protection of wildlife habitat.

3. The Commission finds that the applicant has not met the burden of proof to demonstrate compliance with 310CMR 10.28(3)(b) and (c) and therefore will have an adverse effect on the coastal dune through permanent disturbance and removal of vegetation from the dune.

4. The Commission finds that the Land Subject to Coastal Storm Flowage is determined to be significant to storm damage prevention and flood control.

5. The Commission finds that although there are no performance standards for Land Subject to Coastal Storm Flowage in the WPA regulations, it is important to mention that the entirety of the project lies within the 100 year flood zone according to the July 3, 2012 FEMA Flood Insurance Rate Map with a base flood elevation of 9ft NAVD. The entire lot lies 4 feet below this flood elevation.

Approval of a new residential structure on this undeveloped lot would be inconsistent with the position the Town took when applying for the Variance to the WPA for the Blackwater River Flood Control Project in a similar neighborhood to the north of this lot. The extension of a road and public infrastructure further into the flood zone is contrary to the public interests of the Town.

The frequency of flooding is predicted to increase with sea level rise, estimated by the Corps of Engineers at 0.8 ft in the next 50 years. A study by the Commonwealth of Massachusetts predicts that sea level rise in Massachusetts will be even higher, resulting in an increase in frequency of flooding of this site.

6. The Commission finds that the Bordering Vegetated Wetland is determined to be significant to flood control, storm damage protection, prevention of pollution and protection of wildlife habitat.

7. The Commission finds that the applicant has not met the burden of proof to demonstrate compliance with 310CMR 10.55(4)(a) and therefore will have an adverse effect on the Bordering Vegetated Wetland through short and long term Buffer Zone impacts immediately adjacent to the resource area.

The driveway/road that extends Wyman Greeley Street is proposed less than 1 foot from the edge of the BVW. The vegetation removal, road construction, utility installation, road maintenance and daily use of the road will undoubtedly have direct, adverse effects on the BVW.

Therefore, based on the referenced findings, the Salisbury Conservation Commission issues an Order of Conditions denying the proposed project at 12 Wyman Greeley Street (DEP file # 065-1018) pursuant to the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and the Massachusetts Wetlands Protection Act Regulations (310CMR 10.00). The Commission finds that the information provided by the applicant, review of the NOI by the Town's wetland consultant (Rimmer Environmental Consulting), and existing site conditions do not allow the Commission to adequately condition the project to protect the interests of the Massachusetts Wetlands Protection Act. **SA** seconded the motion. Vote on motion 3-in favor. 1-opposed (MC) and 2 abstained (DA & JT). **Motion passed.**

**Request for Certificate of Compliance, 8 Friedenfels Road:** Mr. Steve Bond (SB) representing Bayring Communications. There were no problems in the river. The site has been returned to pre-existing conditions. There is no visible sign that we had a project there. **JKP** asked if we did a site visit would you be able to see anything? **SB** stated there is a handhole with a plastic cover. **DA** asked what type of permitting went into drilling under the river. **SB** went over the permits. **SA** asked if the commission is obligated to have contact with the owner to make sure everything was done to their satisfaction. **MR** stated you are required to make sure the site is in compliance and there are no wetland violations.

**JP** motioned to issue a Certificate of Compliance for 8 Friedenfels Road. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for Certificate of Compliance, 28 CCC Road (065-0974 Phragmites)** Mr. Curt Young (CY) of Wetland Preservation addressed the board on behalf of the applicant. An enforcement order was issued on this property in October 2014. We are trying to clear up the records. Tom Cook tried to get a phragmites control project going on this site. Unfortunately SPS did invest in a high tech mower which injected an herbicide to tackle the phragmite problem. Because of the nature of the phragmites, the herbicide didn't get injected. That program has been terminated at this point. (Discussion on how difficult it is to remove phragmites took place).

**MC** motioned to issue a Certificate of Compliance for 28 CCC Road (065-0974-Phragmites). **JKP** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for Certificate of Compliance, 28 CCC Road (065-0565-utility line)** Mr. Curt Young (CY) addressed the board on behalf of the applicant. This was issued in 2003. There were overhead wires servicing the campground. The order of conditions was issued to put a subsurface. Discussion took place about how/when/who did the electrical work. A permit for electrical was pulled as noted by the owner Bill Bartlett.

**MC** motioned to issue a Certificate of Compliance for 28 CCC Road (065-0565-utility line). **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

**20 Dock Lane**-Curt Young (CY) of Wetland Preservation addressed the board on behalf of the applicant. We are looking for a Certificate of Compliance. It was noted by MR that the paperwork was just received in the office. It will be on the next meeting agenda. **CY** noted that we need a new order of conditions signed. It was never recorded.

**Salisbury Woods-no action**

**2 Broadway-no action**

**44 Lafayette Road-no action**

**100 Elm Street-no action**

**28 CCC Road:** Curt Young (CY) of Wetland Preservation addressed the board on behalf of the applicant. **MC** asked if there was permanent residents. **SA** stated yes. **CY** stated 3 permanent residents. There is a mixture of salt water and fresh water conditions thru-out this site. There are wooden boardwalks created with wooden pallets in the marsh. They were not permitted. We got most of those removed from the site. In addition to the direct impacts from the boardwalks were tables. We also found within the central fresh water wetlands, there are large leaf piles. We provided a planting plan after the removal of the leaves. We will have erosion control on the edge of the marsh to protect that. All of the work will be down with a small/medium sized backhoe. We plan on a proposed restoration program to mitigate for impacts to wetland resource areas associated with this work. Wetland resource areas affected by this proposed Restoration Program include BVW, salt marsh, and LSCSF. We would like to get the restoration plan approved so we can order plants and get the work crews ready to get the leaves out. We would like to set up guidelines. There are also semi-permanent satellite dishes. **DA** asked if any of the leaf piles sitting on a leach field for septic. **CY** stated we have septic and the leaf piles are not sitting on the leach field. **DA** asked where the cows reside. Bill Bartlett (BB) addressed the board. It's a hobby of mine. They reside on a hill on the property. **JKP** asked about the wetland project impacts you stated "the leaf piles constitute the largest areas of wetland impact on the property an total 16,157 s/f. Part of your restoration program you mentioned "the BVW/leaf pile restoration effort proposes to restore approximately 19,186 s/f." Do we think that's enough? **CY** stated our intent is to get all of the leaf piles out of there and replant the vegetation that was disturbed. **JKP** stated I have concerns of the satellite dishes. **DA** asked about a timeline. **CY** stated we plan on writing all violations down and what in terms of moving forward we plan on doing. **DA** asked when campers would be arriving. **MR** stated April 24, 2015. **CY** stated we have started with the Notice of Intent. **DA** asked if other boards are involved. **CY** stated primarily is building permit issues. **JP** asked if there was a deadline to get this stuff done. **MR** stated we didn't set a deadline. I looked at the building permits and couldn't tell what the structures were on. Scott, the building inspector and I decided we need to go out and look. **SA** asked about the length of time the satellite dishes stay in the wetland area. **CY** stated if we said 4<sup>th</sup> of July we would feel comfortable with that. **SA** asked if the commission was comfortable with that timeline. **CY** stated we would like to get the restoration plan approved with the expectation of a Notice of Intent will be filed soon. **MR** stated I feel the restoration plan can be added to if we feel that things are not working.

**20 Forest Road:** **MR** stated she received a call from the property owner. There is so much snow, so I told him not to worry about it. Let me know when he is going to start the work.

### **COMMISSIONERS COMMENT:**

**MR** Coastal Erosion Commission draft report comment letter. I prepared a draft and would appreciate any comments, if you have any I would like them by April 7<sup>th</sup>. **JKP** stated I would love to have a workshop on these types of topics. **MR** stated I would like for you to vote to sign that letter.

**ADJOURNMENT:**

**JKP** motioned to adjourn at 9:40 p.m. **JT** seconded the motion. All members present voted in favor. **Motion Passed.**